

### **Amendments to the Drawings**

The attached sheets of drawings include changes to FIGS. 3 and 5.

The sheet including FIG. 3, replaces the original sheet including FIG. 3. In FIG. 3, reference numeral 12 has been added.

The sheet including FIG. 5, replaces the original sheet including FIG. 5. In FIG. 5, reference numeral 12 has been added.

Attachments: Replacement Sheets

Annotated Sheets Showing Changes

## **Remarks**

Applicants' remarks address each issue raised in the office action of September 27, 2005, and are presented in the same order.

## **Election/Restriction Requirement**

In response to the restriction requirement applicants affirm the election of the claims of group I (claims 1-12).

Regarding the election of species requirement, applicants confirm the examiner's understanding of the system described and claimed in the application. The blood collection device is configured to have on-board suction capability (a vacuum tank and possibly a compressor) but is also configured to connect to wall suction found in an operating room of a hospital. The claimed system is intended to be used peri-operatively. Specifically, the collection system can be used during surgery, in an operating room to collect blood, then post-operatively, wheeled alongside the patient during transport after surgery and remain with the patient post-operatively in a recovery room. Typically, the device is used with wall suction during surgery, but during post-operative transport, the on-board suction equipment must be used. Wall suction can again be used once the patient reaches a recovery room. Therefore, a machine having both types of suction capabilities is a real necessity. Accordingly, the configurations defined in claims 5 and 6 can certainly exist in a single inventive system.

## **Drawings**

Applicants have addressed the objection to the drawings made in the action by correcting the written disclosure as specified below. The objection was that reference numeral 34 identified two elements: the collection device housing and the array of lights. FIGS. 3 and 5 correctly show 34 as the array of lights. The ambiguity regarding 34 arose in the specification at page 12, last paragraph, in which the collection device housing was referred to with number 34. Reference numeral 34 has been deleted from

the passages in that paragraph an collection device housing is now not identified with a number.

To help clarify the components in the drawings, FIGS. 3 and 5 have been amended to include a reference numeral 12 to identify the collection device. Annotated and replacement sheets are enclosed.

### **Specification**

Several amendments have been made to the specification to correct minor typographical errors. No new matter is being added.

At second paragraph of page 5 (beginning at line 10) –deleted “that”

At first full paragraph of page 9 (beginning at line 10) – added reference numeral 20, shown in drawings as filed.

At first full paragraph of page 10 (beginning at line 1) - deleted “aspirate” because both “drain” and “aspirate” were mistakenly typed.

At the third full paragraph of page 10 (beginning at line 18) – deleted “import” and added “input”.

At third paragraph of page 12 (beginning at line 22) – deleted reference numeral 34 as described above in the Drawings section.

### **Claim Rejections – 35 USC § 102**

The rejection of claims 1-5, 7-9 and 11 as anticipated by U.S. Patent No. 5,153,828 (Inoue et al.) is traversed.

Claim 1 and all dependent claims are directed to a postoperative fluid monitoring and alert system having a controller that takes historical data previously saved during the procedure and compares it to current data being received by the controller and then takes action (such as activating an alarm) if certain trends are detected based on that comparison of data.

Based on the description at column 8, lines 29-55, the system of the ‘828 patent appears to use only one piece of data collected during the procedure: “the collected

blood measured amount”. Rather than comparing that data to other data points earlier collected during the procedure, it uses the collected blood amount in a formula to calculate the “yet-to-be-collected amount”. The other values used in that formula are not data points from the procedure but rather are:

A user defined set point – “set blood collection amount”

A constant value measured before procedure – “previously registered weight” (of bag)

A constant, inherent property of blood – “specific gravity”

Accordingly, because the ‘828 patent does not disclose a system configured to compare historical data with current data collected from a fluid collection suction pathway, it should not be considered to anticipate the claims of the present application. Reconsideration is requested.

### **Claim Rejections – 35 USC § 103**

Applicants traverse the rejection of claims 6, 10 and 12 as obvious for the reasons set forth below.

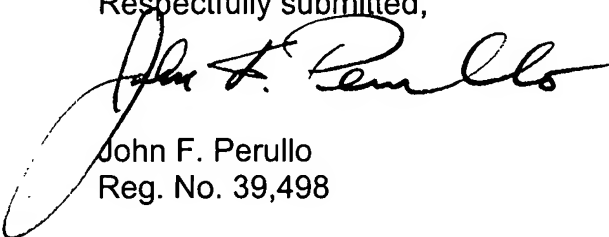
First, because each obviousness rejection relies, at least in part, on the disclosure of the ‘828 patent, each rejection is improper due to the shortcomings of the Inoue disclosure discussed above in connection with the § 102 rejections.

Additionally, regarding claim 12, the ‘828 patent fails to disclose a system that records historical data, let alone shows groupings of historical data on a display screen. Accordingly, the rejection stating that Inoue suggests the time graduations with which historical and current data points are shown is improper.

Reconsideration of the obviousness rejections based on the foregoing is requested.

Authorization is granted to apply the surcharge amount of \$1020.00 for late filing of this Amendment to **Deposit Account No. 50-3067**. Any additional debits or credits in connection with this filing may also be applied to that deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Perullo", written over the typed name and registration number.

John F. Perullo  
Reg. No. 39,498

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Haemonetics Corporation  
400 Wood Road  
Braintree, MA 02184  
Telephone: 781-356-9377  
Facsimile: 781-356-3558

Customer Number: 41883



FIG. 3

ANNOTATED SHEET SHOWING CHANGES

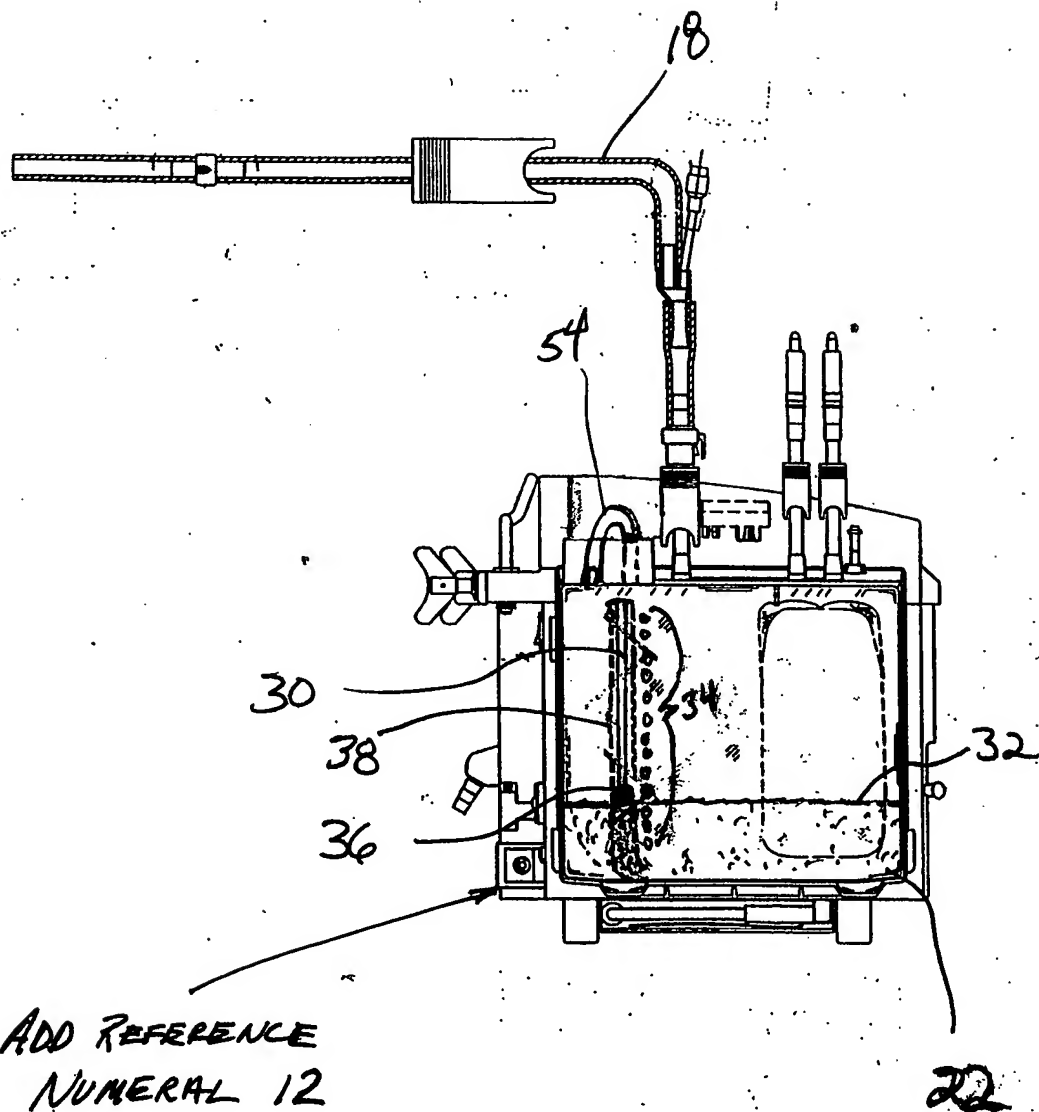
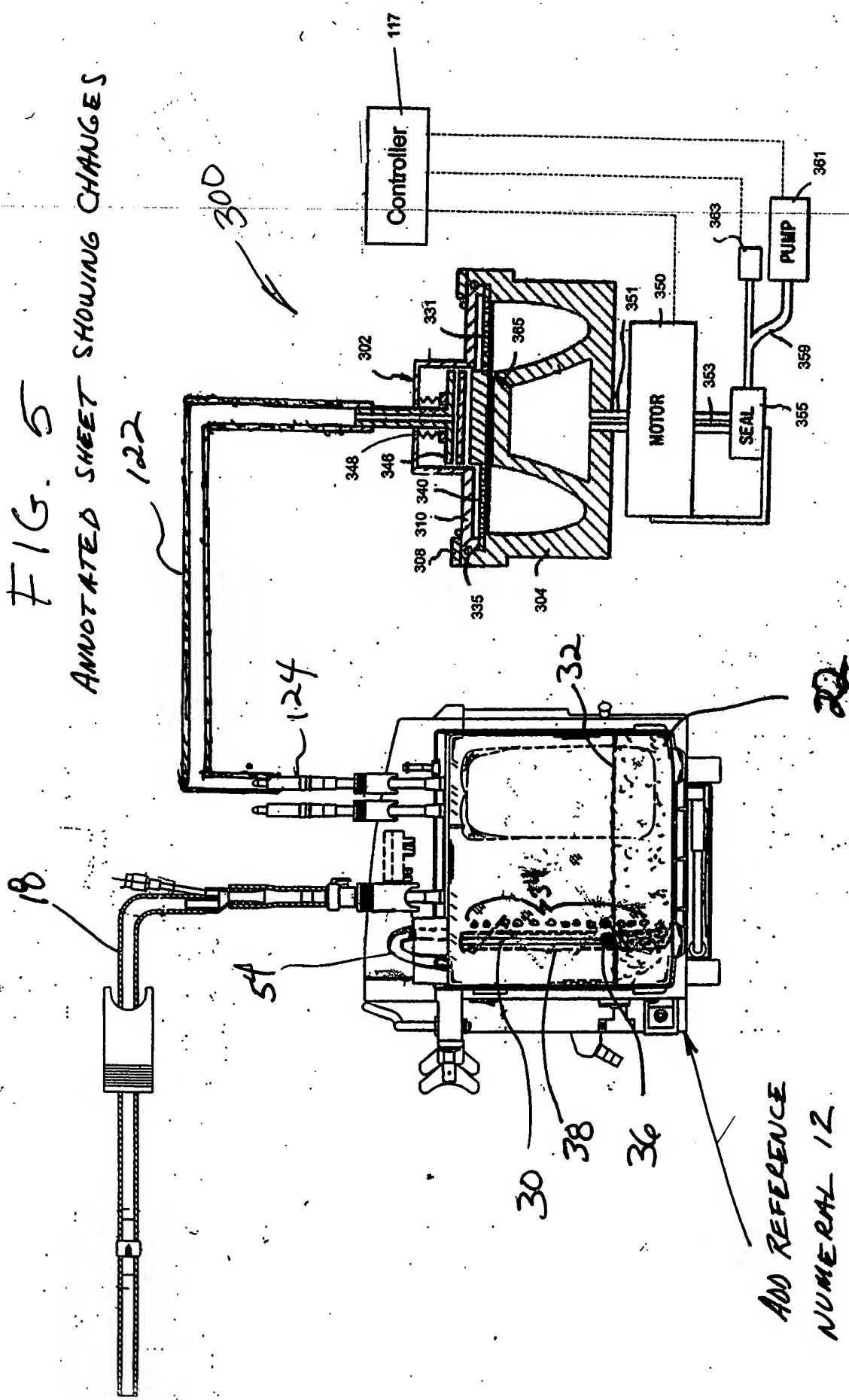


FIG. 5  
 ANNOTATED SHEET SHOWING CHANGES



ADD REFERENCE  
 NUMERAL 12